

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO

UNITED STATES OF AMERICA,  
Plaintiff,  
v.  
WAYNE RYAN,  
Defendant.

Case No. 18-CR-01107 MV

**UNNOPPOSED MOTION TO LATE FILE**

Wayne Ryan, through Assistant Federal Public Defender Alejandro Fernandez, respectfully asks this Court to consider Mr. Ryan's late reply to Doc. 78, Government's Response to Mr. Ryan's Motion to Compel, and late response to Doc. 79, Government's Motion to Compel.

**Procedural History**

1. Mr. Ryan filed a Motion to Compel Discovery Pursuant to Fed. R. Crim. Proc. 16(a)(1)(E) and Brady v. Maryland on March 19, 2019. (Doc. 75). The Government responded within two weeks. (Doc. 78). Undersigned counsel filed his response today, June 7, 2019. (Doc. 83).
2. The Government filed a Motion to Compel Under Fed. R. Crim. Proc. 12.3 and Fed. R. Crim. Proc. 16(b) on April 2, 2019. (Doc. 79). Undersigned counsel filed his response today, June 7, 2019. (Doc. 82).

### **Reasons for Delay**

3. On or about April 8, 2019, AUSA Kraehe called undersigned counsel to initiate a new round of plea discussions that seemed very promising. Though productive, discussions ultimately did not lead to a resolution and were discontinued on May 20, 2019.

4. Undersigned counsel was out of the office from May 24, 2019 through June 3, 2019 for a combination of scheduled leave and out-of-state training.

5. Undersigned counsel had a suppression hearing scheduled before Judge Herrera on June 6, 2019, which was continued the morning of June 6, 2019 because of reasons relating to the health of the defendant.

6. Undersigned counsel is now filing the response and reply (Docs. 82 and 83) as soon as practicable.

7. AUSA Kraehe does not oppose the Court's consideration of these late filings.

**WHEREFORE**, Mr. Ryan respectfully requests that this Court duly consider his late submissions, Docs. 82 and 83.

Respectfully Submitted,

*[Electronically Filed]*

ALEJANDRO B. FERNANDEZ  
Counsel for Mr. Wayne Ryan  
Federal Public Defender  
111 Lomas Blvd. NW, Suite 501  
Albuquerque, New Mexico 87102  
(505) 346-2489  
alejandro\_fernandez@fd.org

## **CERTIFICATE OF SERVICE**

I HEREBY CERTIFY THAT on June 7, 2019, I filed the foregoing electronically through the CM/ECF system, which caused AUSA George Kraehe to be served by electronic means, as more fully reflected on the Notice of Electronic Filing.

*[Electronically Filed]*